

APPROVED 4-07-2005



**SCOTTSDALE DEVELOPMENT REVIEW BOARD
KIVA - CITY HALL
3939 N. DRINKWATER BOULEVARD
MARCH 24, 2005
MINUTES**

PRESENT: Ron McCullagh, Council Member
E.L. Cortez, Vice Chairman
David Gulino, Commission Member
Michael D'Andrea, Design Member
Kevin O'Neill, Design Member
Michael Schmitt, Design Member

ABSENT: Jeremy Jones, Design Member

STAFF: Donna Bronski
Tim Curtis
Suzanne Colver
Kroy Ekblaw
Lusia Galav
Bill Verschuren
Kira Wauwie
Greg Williams

CALL TO ORDER

The regular meeting of the Scottsdale Development Review Board was called to order by Councilman McCullagh at 1:00 p.m.

ROLL CALL

A formal roll call confirmed members present as stated above.

OPENING STATEMENT

COUNCILMAN McCULLAGH read the opening statement that describes the role of the Development Review Board and the procedures used in conducting this meeting.

MINUTES APPROVAL

March 10, 2005 DRB Minutes

VICE CHAIRMAN CORTEZ MADE A MOTION TO APPROVE THE MARCH 10, 2005, MEETING MINUTES AS PRESENTED. SECOND BY MR. SCHMITT.

THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).

MS. BRONSKI stated there is an agenda problem so we will bring the March 10, 2005 minutes back on the next agenda.

CONSENT AGENDA

63-DR-2000#2	Liberty Property Trust Site plan, landscape plans and elevations 8501 E. Raintree Dr. RSP Architects, Architect/Designer
80-DR-2003#2	Northsight Pads 3 & 4 Site plan and elevations 14826 & 14884 N. Pima Road ADW Architects Pa, Architect/Designer
103-DR-2004	The 83 rd -Hayden Development Site plan & elevations 15350 N. Hayden Rd Cawley Architects Inc., Architect/Designer
107-DR-2004	Monte Cristo Office Park Site plan elevations 15950 N. 76 th St. Cawley Architects Inc., Architect/Designer
112-DR-2004	APS Century Substation Add a wireless communication facility on an existing pole 11600 N. 64 th Street Communication Services Inc., Architect/Designer

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10-DR-2005

Vista Del Camino
Site plan and elevations for remodel,
addition and modification
7700 E. Roosevelt St.
Owp/p Architects, Architect/Designer

14-DR-2005

Heitel Ranch
Site plan and elevations for a covered
equestrian riding area
8485 E. Dixileta Dr.

MS. GALAV stated there was discussion in the previous session on 14-DR-2005 Heitel Ranch and Mr. O'Neill had requested information on the colors and we do have some information now if the Board wants to pull that item and discuss it further.

MR. O'NEILL stated this item could be left on the consent agenda with a quick presentation on the colors.

MS. WAUWIE stated in the study session we talked about the colors as applied to the building. She further stated that she briefly talked to the applicant and their concern on the colors is that when they order the building the colors are pre-applied and delivered to the site. She passed out a color sheet that demonstrates the color that was selected. She reported the Applicant has expressed an openness to consider the manufactured colors shown on the chart.

MR. GULINO stated he thought the applicant did a good job with the colors he has picked out. He further stated that his experience in this area is that THE darker a color is the more it will blend in with vegetation. The color he has on the roof is a more appropriate color than if it went to a lighter color. The darker color is a better choice.

MR. O'NEILL stated that it appears this building has already been ordered.

JIM HEITEL stated he is the owner of this property. He further stated the building has not been ordered. He further stated that with regard to the color it does not matter to me. The comment was made that the darker color has a way of going away and he is trying to keep away from the lighter colors. He noted this will not be a very visible building in the neighborhood.

MR. O'NEILL stated that he thought there would be a noticeable difference between the brown color and the burnished slate. It is my opinion that the burnished slate will appear very black at that angle and that height. He further stated it would be his preference to see a brown roof with the mocha tan support structures. Mr. Heitel stated he could look into that as long as the colors fit in the

reflective guidelines. Mr. O'Neill stated if the Board is comfortable with the burnished slate and mocha tan that is fine.

COUNCILMAN MCCULLAGH stated we do have a citizen comment card on case 107-DR-2005 from Honey Siegal.

HONEY SIEGAL, P.O. Box 10093 Phoenix, Arizona 85064, stated case 107-DR-2005 is subject to litigation in regard to a domestic relations action that she has pending that will be before Norman J. Davis in a hearing on April 6, 2005 at 10:00 a.m. at Superior Court. In other words, the Developer is trying to defraud me out of community property, which is one piece of community property that was undivided in a complicated domestic relations action DR-1998-011374. She further stated that she has from our former Paradise Valley home the plan that is with her domestic partner of over 23 years his plan to develop this. I have copies from his recent attorney trying to quash subpoenas I have issued for this court hearing that is ensuing April 6th. So, I pray you not grant any permission to allow specifically Richard Stover any entity that he has any ownership which I have a claim to. She added he has defrauded me out of this property AT&T building \$4.9 million sold and that is the subject of this hearing as well.

COUNCILMAN MCCULLAGH stated that he was not sure that relates to the purview of the Board.

MS. BRONSKI asked Ms. Siegal if she was claiming that she has an ownership interest in this parcel. Ms. Siegal replied in the affirmative. Ms. Bronski inquired if Ms. Siegal was suggesting that she was not approving of this application. Ms. Siegal replied in the affirmative. Ms. Bronski suggested a continuance of this case so we can try to figure this matter out or you could hear the case and make a conditional decision subject to determination of whether there is a issue about ownership.

COUNCILMAN MCCULLAGH stated we will move case 107-DR-2004 off the consent agenda to the regular agenda and vote on the balance of the consent agenda and then continue with case 107-DR-2004.

VICE CHAIRMAN CORTEZ MADE A MOTION TO APPROVE CASES 63-DR-2000#2, 80-DR-2003#2, 103-DR-2004, 112-DR-2004, 10-DR-2005, AND 14-DR-2005 WITH THE ADDED STIPULATION THAT THE COLORS RETURN TO THE BOARD FOR REVIEW AND APPROVAL. SECOND BY MR. D'ANDREA.

MR. O'NEILL stated with regard to case 14-DR-2005 he thought the Board discussed the colors and were comfortable with the colors and did not need that stipulation. He further stated that he was the only one that was not comfortable with the colors but he is now comfortable with the colors as proposed.

VICE CHAIRMAN CORTEZ WITHDREW THE STIPULATION ON CASE 14-DR-2005. SECOND BY COMMISSIONER D'ANDREA.

THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).

REGULAR AGENDA

107-DR-2004

Monte Cristo Office Park
Site plan elevations
15950 N. 76th St.
Cawley Architects Inc., Architect/Designer

COUNCILMAN MCCULLAGH stated we have heard an objection to the approval of that case. He inquired if it was appropriate to hear a response. Ms. Bronski replied in the affirmative.

PAUL DEVERS, Cawley Architects, stated we represent LGE Corporation. He further stated that this is the first he has heard of this issue. He noted that he did not know exactly what the problem is. He further noted that because this issue came in at the eleventh hour he felt it would be reasonable for them to be able to obtain approval with the condition that the property ownership is verified. With the DR submittal process, we are required to submit a title report and there were no indications there were claims or liens against the property.

COUNCILMAN MCCULLAGH stated the nature of the objection is more a civil domestic issue and would seem the Board could proceed and the civil litigation would not have any bearing on this request. Ms. Bronski stated that while she would agree with that point. Any application for DR approval needs to be submitted by the owner so if there is question about ownership that would invalidate the application. The Board could go forward with a conditional approval on the establishment of ownership.

MR. D'ANDREA stated he would want to continue this case to allow time to answer the ownership issue.

MR. GULINO inquired about the name on the application verses the name on the title report. Ms. Bronski stated what we have is not very helpful. Mr. Gulino stated he would agree with Mr. D'Andrea but he hates to hold up the development on something that might not be valid. He further stated that he would favor a conditional approval based on verification of ownership.

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MR. SCHMITT stated he felt they could move forward with a conditional approval based on verification of ownership.

MS. BRONSKI apologized for the fact that information is unfolding as we continue along but she was just told that we don't have any signatures in the file. She stated we should continue the case to try to figure this all out. If there are no signatures on the application we don't have owner authorization and this case probably should not have gotten this far.

MR. D'ANDREA MOVED TO CONTINUE CASE 107-DR-2004 UNTIL WE HAVE MORE INFORMATION REGARDING THIS CASE. SECOND BY MR. GULINO.

THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).

5-DR-1977#3	Club Sar Club Sar Expansion 4415 N. Hayden Rd
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57-DR-1990#3	Scottsdale Stadium Scottsdale stadium expansion 7408 E. Osborn Road
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MR. EKBLAW presented cases 5-DR-1977#3 and 57-DR-1977#3 as per the project coordination packet. Staff recommends approval, subject to the attached stipulations.

MR. D'ANDREA congratulated staff on putting this all together. He stated he thought everything looks great. He further stated at Club Sar there was a pathway where people use to interact with the players. He inquired if there was a way we could allow that as the players come out of the door and head down to the fields that the fans can get closer to that pathway for autographs with out having them go through the space to the parking lot.

Mr. D'Andrea stated he wanted to confirm that the new practice field east of the stadium is not going to have lights. Mr. Ekblaw replied in the affirmative. He stated staff will continue to work with the Giants and the designers because there is the desire to have accessibility between the fans and the players. He provided information on some of the ways that there could be controlled interaction between the fans and the players.

MR. SCHMITT stated that he appreciated the time that it took last week to explain this in more detail to the Board. This is a tremendous amount of work in a short time. He further stated one of the things that concern him is the

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pedestrian access between the parking lot north of Club Sar and the recreational fields. He commented it would be beneficial to enhance it as it faces the parking lot to make it clear that it is the pedestrian access.

Mr. Schmitt stated with regard to the Giants Stadium site, the driveway that comes south from the entry gates to the stadium in the center of that parking lot it would be beneficial to develop that driveway with some paving materials and make it more of a pedestrian path. Mr. Ekblaw stated with regard to access, they will continue to look at how to best enhance the pedestrian access.

Mr. Schmitt inquired with regard to the netting around the practice fields if staff has looked at the netting used at the golf driving range north of this site. He also inquired if at a future date the Board would have a change to look at the materials. Mr. Ekblaw stated staff would provide the Board with an update on the refinement of the design in the next four to six weeks. Mr. Schmitt inquired if there was the opportunity to have it become a public art element. Mr. Ekblaw stated we will continue to look at that. Right now, we are challenging the engineers to come up with the structural needs and once we have a feel for that then we can determine whether there is an opportunity for an art element. Staff will update the Board on the progress.

MR. O'NEILL stated that he would agree there has been a lot of hard work put into this. He inquired if there has been any response from the neighbors to the south about the netting or any of the elements going on along Osborn Road. Mr. Ekblaw stated it is his understanding from the discussions that the neighbors are very glad to see this site developed. He further stated staff will continue to work with the neighbors.

Mr. O'Neill inquired if with this approval staff is being given the flexibility to come back when they see fit and give updates. Mr. Ekblaw stated the request is for the site plan and the elevation approval of both sites. There are stipulations that specify to my position that allows for minor changes but if any significant changes were to be made they would come back and update the Board. Mr. O'Neill stated the overall case is great but he is somewhat concerned regarding the vagueness of the netting. He further stated at the moment he did not have enough information to let that specific portion of the case move forward. Mr. Ekblaw discussed the design intent. He stated staff would bring back the details and if there is a need to change the design concept that would be brought back.

Mr. O'Neill inquired about the fencing at the Club Sar site. Mr. Ekblaw reviewed the fencing for that site. Mr. O'Neill expressed his concern regarding the sidewalk coming around it appears it will not be the best feeling way around that space. He stated that he felt the entry to Club Sar is as important for the citizens as the entry to the Giants into their facility.

MR. D'ANDREA commented that HOK is one of about three architects in the World that does this kind of thing. And from the netting perspective, if anyone knows what they are doing it is going to be those folks at HOK.

MR. D'ANDREA MOVED TO APPROVE CASES 5-DR-1977#3 AND 57-DR-1990#3 WITH THE ATTACHED STIPULATIONS. SECOND BY VICE CHAIRMAN CORTEZ.

MR. O'NEILL reiterated his concern regarding the netting that there will not be any further approvals. Mr. Ekblaw replied that is correct but staff will be bringing information on the netting to a study session for input. Mr. O'Neill stated he would not be voting in favor of the motion because he would prefer to have the ability to fully see what the netting would look like.

COUNCILMAN MCCULLAGH inquired if the maker of the motion would consider separating the cases.

MR. D'ANDREA MOVED TO WITHDRAW HIS MOTION.

MR. D'ANDREA MOVED TO APPROVE CASE 5-DR-1977#3 WITH THE ATTACHED STIPULATIONS. SECOND BY VICE CHAIRMAN CORTEZ.

THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).

MR. D'ANDREA MOVED TO APPROVE CASE 57-DR-1990#3 WITH THE ATTACHED STIPULATIONS AS PROPOSED WITH THE CAVEAT THAT STAFF BRING THE NETTING BACK TO A STUDY SESSION FOR THE BOARD TO REVIEW AND PROVIDE INPUT. SECOND BY VICE CHAIRMAN CORTEZ.

THE MOTION PASSED BY A VOTE OF FOUR (4) TO TWO (2) WITH MR. O'NEILL AND MR. SCHMITT DISSENTING.

ADJOURNMENT

With no further business to discuss, the regular meeting of the Scottsdale Development Review Board was adjourned at 2:25 p.m.

Respectfully Submitted

Cheryl Hancey

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